

Oct. 11, 1927.

Mr. Isaac Allred, Pres.,  
Emery Canal & Reservoir Co.,  
Emery, Utah.

Dear Sir;

RE: MUDDY RIVER DIST.

Inquiry has come to this office with reference to the use of the waters of Muddy River during the non-irrigating season. I am anxious to help straighten out the Muddy River situation as far as possible and have been advised by Mr. Dalton that you people wish to file a protest against application No. 10147.

While I am anxious to protect your rights I am under an equal obligation to see that these rights are not exceeded and that you are not illegally diverting unappropriated water. The law is quite definite that the limit of a right is beneficial use and therefore no water user has any right to divert water simply for the purpose of getting it out of the natural channel. I find in various localities the mistaken idea that unless water is diverted whenever it is in a channel some of the rights are lost.

There are other filings on the Muddy River in good standing which are entitled to receive water during the non-irrigating period and also during the irrigating season when your Company cannot make definite beneficial use of it. I am sure this matter, now called to your attention, will be given attention and you will be willing to see no water is taken out in your canal other than that which can be actually put to beneficial use.

Yours very truly,

State Engineer.

GMB/E